

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Social Welfare Department – Land Acquisition for House Sites – Kurnool District – Yemmiganur village and mandal - Land acquired for provision of house sites to the weaker section people – Sanction of Rs.56,06,198/- towards re-determination compensation U/s 28-A of the LA Act, for the lands acquired to an extent of Ac.13.50 Cts (Out of total extent Ac.62.07 Cts) in OP No.14 and 15 of 1991 – Orders- Issued.

SOCIAL WELFARE (Budget & LA) DEPARTMENT

G.O Rt.No.541

Dated: 14.10.2014
Read the following

1. From the District Collector, Kurnool Lr.No. Rc.H.54/SWLA/2011, dated 22.9.2012
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA4/8344/2012, dated 17.10.2012.
3. From the Spl Chief Secretary & Chief Commissioner of Land Administration, AP, Hyderabad , Ref No : S2/993/ 2012, dt. 11.05.2013

O R D E R:

In the reference 3rd read above, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/MRO, Yemmiganur, has acquired the lands admeasuring an extent of Ac. 62.07 Cts in Sy. No : 124/A etc., situated at Yemmiganur Village & Mandal of Kurnool District through an Award No ; 1/89 dated 7/7/1989 for providing house sites to weaker sections. The LAO has fixed the land value @ Rs. 30,600/- per acre. Aggrieved by the fixation of market value, some of the Claimants have filed O.P. Nos 14/91 and 15/91 in Sy. No.124/A etc. in Yemmiganur Village u/s 18 of LA Act before Hon'ble Sr. Civil Judge Court, Adoni and the Lower Court had issued orders dated 17.11.1997, which are as follows :

OP. No : 14/91 Dated. 17.11.1997

1. That the compensation amount as fixed by the MRO, Yemmiganur at Rs.30,600/- per acre be and the same is hereby modified enhancing the market value by Rs. 23,400/- per acre.
2. That the Claimant be and is hereby entitled to Rs. 1,59,960/- towards enhanced compensation.
3. That the Claimant be and is hereby entitled to interest 9% for one year, i.e. from 08.06.89 to 08.06.90 on the amount as shown in the Col No : 4 i.e. Rs. 1,18,872/-.
4. That the Claimant be and is hereby entitled to interest 15% p.a., on Rs. 1,18,872/- From 09.06.90 till the date of deposit into the court.
5. The referring officer do pay to the respondent Rs. 2002/- towards proportionate costs of the OP.
6. that the remaining claim of the claimant be and the same is hereby rejected.

OP. No : 15/91 Dated: 17.11.1997

1. That the compensation amount fixed by the MRO , Yemmiganur at Rs. 30,600/- per acre be and the same is hereby modified enhancing the market value by Rs. 23,400/- per acre.
2. That the Claimant be and is hereby entitled to Rs. 51,010/- towards enhanced compensation.
3. That the Claimant be and is hereby entitled to interest 9% p.a. for one year, i.e. from 08.06.89 to 08.06.90 on the amount as shown in the Col No. 4 i.e. Rs. 37,908/-.

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4. That the Claimant be and is hereby entitled to interest 15% p.a., on Rs. 37,908/-. From 09.06.90 till the date of deposit into the court.
5. The referring Officer do pay to the respondent Rs. 2002/- towards proportionate costs of the OP.
6. that the remaining claim of the claimant be and the same is hereby rejected.

2. The Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has also stated that the Claimants in OP. No : 14/91 and 15/91 filed Appeals before the Hon'ble High Court, AP, Hyderabad. The first Appeal No.106 of 1999 and 1401 of 1998 in OP. No.14/91 and First Appeal No :778 of 1998 and 800 of 1998 in OP. No : 15/91 were filed and the Hon'ble court while allowing AS. No : 106 of 1999 and AS. No : 778 of 1998 dismissed the A.S. No.1401 of 1998 and A.S.No.800 of 1998 and issued the order and decree dated. 14.02.2006 which is as follows:

1. That the amount of compensation as awarded by the Lower Court to the Claimant herein be and hereby is enhanced from Rs. 54,000/- to 1,00,000/-.
2. That the claimant is entitled to the interest on Solatium and also on additional market value.
3. That the Claimants would be entitled to interest from the date of notification u/s. 4(1) of the Act.
4. That save as aforesaid, the decree of the lower court do stand confirmed in other respects; and
5. That there be no order as to costs in the appeal.

Thereafter, the District Collector, Kurnool has submitted the proposals for release of Rs. 23,68,209/- in O.P. No : 14/91 and 15/91 to the Commissioner of Social Welfare, A.P., Hyderabad towards decretal charges to deposit in the Sr. Civil Judge Court, Adoni and the Commissioner of Social Welfare, AP, Hyderabad has also sanctioned the said amount vide proceedings No : LA4/12675/2008 DT : 08.08.2011 and the said amount was also released to the Tahsildhar, Yemmiganur for depositing the same in the High Court. As the matter stood thus, Sri Gattu Md. Khasim S/o. Late Mahu Sab and others have filed applications U/s. 28-A of LA Act dated. 13.02.1998 for re-determination of compensation awarded to them in accordance with the judgement passed in O.P. No.14 and 15 of 1991 dated 07.11.1997. The MRO, Yemmiganur in his endorsement dated 28.11.2006, has stated that the petitioners have not submitted the applications within the stipulated time U/s. 28-A of the LA Act . Hence the applications are considered and rejected. Again Sri Gattu Md. Khasim and 6 others filed WP. No : 7307/2007 to re-determine the compensation under sec.28-A of the Land Acquisition Act on par with the compensation awarded to the claimants in AS. No. 778, 800, 1401 of 1998 and A.S. No. 106/99 dt : 14.02.2006, and the Hon'ble High Court of AP, Hyderabad in its order dt : 29.06.2011 passed the orders as follows :

“the respondent (LAO) and (MRO) , Yemmiganur is directed to Re- determine the compensation on the Applications filed by the petitioner in accordance with the provisions of Sec. 28-A of the Act by treating those applications as having been filed within the prescribed time and pass appropriate orders within a period of three months from the date of receipt of a copy of the order”.

3. As per the orders in WP. No 7307/2007 , the District Collector, Kurnool has examined the proposal in respect of compensation awarded in OP. No.14 and 15 of 1991 and sent the proposal for sanction of Decretal Charges for an amount of Rs. 56,06,195/- (Rupees fifty six lakhs, six thousand one hundred and ninety five only) for the lands acquired to an extent of Ac. 13.50 Cts (Out of Ac. 62.07 Cts) in Sy.No.124/A etc., in Yemmiganur (V & M), Kurnool District for the purpose of providing house sites to the weaker sections.

Contd.,

4. The Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, after verification and scrutiny of the proposals of the Commissioner of Social Welfare, AP/District Collector, Kurnool, has sent comparative calculation sheet for payment of decretal charges for an amount Rs. 56,06,198/- (Rupees fifty six lakhs six thousand one hundred and ninety eight only) for re-determination of compensation U/s 28-A of the LA Act for the lands acquired to an extent of Ac. 13.50 Cts (Out of Ac. 62.07 Cts in OP No.14 and 15 of 1991) in Sy.No.124/A etc., situated at Yemmiganur village & mandal of Kurnool District for providing house sites to weaker sections.

5. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release of an amount of Rs. 56,06,198/- (Rupees fifty six lakhs six thousand one hundred and ninety eight only) to the District Collector, Kurnool, in having re-determined the compensation U/s 28-A of the LA Act for the lands acquired to an extent of Ac. 13.50 Cts (Out of Ac. 62.07 Cts in OP No.14 and 15 of 1991) in Sy.No.124/A etc., situated at Yemmiganur Village and Mandal of Kurnool District for providing house sites to weaker sections.

6. The expenditure sanctioned in para (5) above shall be met within the Budget 2014-15 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

7. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary proceedings to the District Collector, Kurnool to comply with the Hon'ble High Court orders in WP.No.7307/2007, dated:29.6.2011, in having re-determined the compensation U/s 28 of LA Act, as per the judgment of the Lower Court in O.P No. 14 and 15 of 1991.

8. The District Collector, Kurnool shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before the issue of the proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

9. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
SECRETARY TO GOVERNMENT(SW)

To

The Special Chief Secretary & Chief Commissioner of Land
Administration, A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Kurnool,

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, Kurnool District.

Finance (EBS-III) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

